

Atty. Docket 24347-051 US
USSN 09/845,016

Section 4, Remarks and Response to Rejection:

REMARKS

Reexamination and reconsideration of this Application is respectfully requested in view of the new (Supplemental) Declaration and these remarks.

The status of claims remains the same as in the prior response of October 15, 2002, as supplemented on 29 November 2002. (Note: The reference in the outstanding Office Action, Summary, Item 1, to "29 January 2002" is an obvious typo, and the correct date is 29 November 2002.) Since the claims status remains the same, the detailed discussion will not be repeated to conserve time and space.

Response to Section 103 Rejection:

All the presently pending claims were rejected as obvious combinations of Liu 6,263,272 in view of Seip et al 6,314,380. In view of the filing of the Supplemental Declaration herewith, this rejection is inappropriate and should be withdrawn.

Applicants have converted this case to a C-I-P application under Rules 53(b) and 78, pursuant to 35 USC Section 120 and MPEP Section 201.08. Applicants have added the appropriate "Cross-Reference to Related Case:" to Page 1 of the Specification. Note, that is consistent with the incorporation by reference of that prior-filed Seip et al. Application in this case from its inception, *inter alia*, at page 6, lines 24 - 26.

Applicants have in the prior Response filed October 15, 2002 shown clearly that Liu does not teach or suggest the claimed combination or method. That is conceded in the pending Office Action in that the Office now looks to the Seip et al '380 patent for a teaching of use of an ultrasound sensor to measure temperature. In view of the fact that this case is a C-I-P of that Seip et al Application, the Seip patent is not a reference.

Accordingly, the combination rejection fails and should be withdrawn, not only because Liu does not teach or suggest the claimed method and apparatus systems, but also because Seip et al is not available to cure the defects in Liu. In addition, even if Seip et al were available, there is nothing in either the Liu reference or Seip (not a reference) to suggest the combination.

CONCLUSION

Applicants have carefully reviewed the Office Action and responded fully to all aspects

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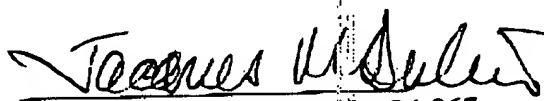
thereof, including converting this Application to a C-I-P case. It is clear that the Liu reference does not teach or suggest the claimed inventions, and Seip is not a reference. Favorable action of allowance of all claims present in the case is respectfully urged.

The Examiner is requested to contact undersigned counsel at the number indicated to resolve any issues relating to this Response.

Respectfully submitted,
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Ralf Seip

Date: May 9, 2003

by:


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encl: a) Supplemental Declaration executed by both inventors
Response filed by Fax

End of Section 4, Remarks.

End of Response to Office Action.